

Notice of Allowability

Application No.

09/688,717

Examiner

Man Phan

Applicant(s)

FIORE ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communications filed 6/23/2005.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for allowance

1. This communication is in response to applicant's 06/23/2005 appeal brief in the application of Fiore for an "Arbitrated Loop Port Switching" filed 10/16/2000. Applicant's argument and remark with regard to the rejection under 35 USC 103 are persuasive. The claims have been amended to better point out and more distinctly claim subject matter comprising the invention. Furthermore, the rejections of record under 35 USC 103 of claims 1-8, 10, 12-20 and 23-32 are withdrawn as evidence by discussion follows.

2. Claims 1-36 are allowable.

3. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises: a controller in a communication with each port interface and the interconnect device, the controller operative to signal the interconnect device to form a plurality of separate communication loops, each separate loop including only requesting nodes and nodes responding to the requesting nodes; wherein a separate communication loop is formed including only the first node and the second node if the second node is busy, and the separate communication loop is formed to leave the plurality of nodes not including the first node and the second node interconnected by the main communication loop; wherein acknowledging to the third/first node the request to open the second/third message transfer operation after detecting the request from the third/first node to open a second/third message transfer operation; notifying the

third/first node that the second/fourth node is busy in response to the status of the second/fourth node being busy; and notifying the second/fourth node of the request to open the second/third message transfer operation after switching the third/fourth node to the separate communication loop, as specifically recited in the claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Miller et al. (US#6,553,036) is cited to show the method and apparatus for preserving loop fairness with dynamic half-duplex.

The Westby et al. (US#6,317,800) is cited to show the system for reducing arbitrated loop overhead by maintaining control of a communications channel as long as a predetermined amount of data is available within control of channel node.

The DeKoning et al. (US#6,055,228) is cited to show the methods and apparatus for dynamic topology configuration in a daisy-chained communication environment.

The Stai et al. (US#6,401,128) is cited to show the system and method for sending and receiving frames between a public device and a private device.

The Takahashi et al. (US#4,930,122) is cited to show the message transfer system and method.

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The Noel (US#5,345,447) is cited to show the switching hub which implements a virtual bus for interconnecting stations on a CSMA network.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

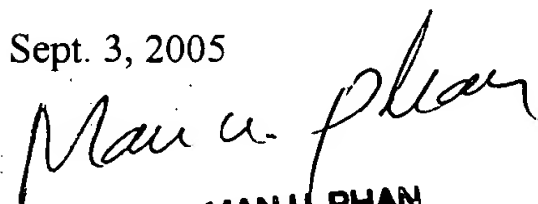
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

Sept. 3, 2005



**MAN U. PHAN
PRIMARY EXAMINER**